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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,670	01/25/2001	Roy B. Carpenter JR.	RM26ii	5405

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,670

Applicant(s)

CARPENTER, ROY B.

Examiner

DHIRU R PATEL

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/25/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: SKETCH A & SKETCH B

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Part III DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the path to ground is shown by arrow G (on page 6 lines 23-24) is not shown on the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: the reference characters must be properly applied, no single reference character being used for two different parts or for a given part and a modification of such part. Such as in the specification on page 6 lines 2- 3, " a coil spring 31" while on same page line 10 " bolts 31". Applicant is responsible for providing separate reference number for each part disclosed in the specification. See MPEP § 608.01 (g) .

Applicant is responsible for reviewing the entire specification for each reference number and revise as required.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 13-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13 line 1, " the means " lacks antecedent basis. The examiner interpreted as claim 13 is depend on claim 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-17 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Nelson (3,942,674) in view of Powell Jr et al (6,127,934).

Nelson discloses:

Regarding claim 1, a fluid/liquid storage tank with a sidewall 1 (see fig 1, column 1 lines 40-55) and a floating roof 2 (floating cover) floating atop the fluid/liquid (see fig 1, column 1 lines 45-55) , and conductor 5 having a low impedance connected to the floating roof (see column 1 lines 60-68, column 2 lines 1-20), but fails to disclose a reel connected to the sidewall. Powell et al teach the use of a reel 18 connected to a sidewall of tank (see fig 1, column 3 lines 54-60) in order to automatically spool up the dual grounding leads 19a and 19b (see column 3 lines 55-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the conductor 5 of the assembly of Nelson with a reel being connected to the sidewall as taught by Powell Jr et al in order to automatically spool up the conductor 5 as the floating roof 2 rises and falls in the tank.

Regarding claim 2, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above, including the reel further comprises a take up spool which keeps any slack out of the conductor and maintains a shortest fractional length. It is noted that the modified assembly of the Nelson meets the structural limitations.

Regarding claim 3, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above, including the take up spool further comprises a spring (see sketch A).

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Regarding claim 4, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above, including the wire further comprises a bare braided copper cable. It is noted that the modified assembly of the Nelson meets the structural limitations.

Regarding claims 5-7, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above, including further comprises a base 16 (see sketch B).

With respect to claim 6 (see fig 2 of Nelson) . The examiner takes official notice that to using a bolt (claim 5) for mounting a device is well known in the electrical art. It is noted that the modified assembly of the Nelson meets the structural limitations.

Regarding claim 8, a storage tank having a floating roof 2 (floating cover, see column 1 lines 45-55) , and a wire 5 having an end connected to the floating roof (see column 1 lines 60-68, column 2 lines 1-20), said wire having a low impedance, but fails to disclose a second end wound around a spool in a reel . Powell et al teach the use of a reel 18 with a second end 19a wound around a spool in a reel (see fig 1, column 3 lines 54-60) in order to automatically spool up the dual grounding leads 19a and 19b (see column 3 lines 55-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the conductor 5 of the assembly of Nelson with a reel being connected to the sidewall as taught by Powell Jr et al in order to automatically spool up the wire 5 as the floating roof 2 rises and falls in the tank.

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Regarding claim 9, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above, including the wire further comprises a flat braided copper cable. It is noted that the modified assembly of the Nelson meets the structural limitations.

Regarding claims 10-11, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above. It is noted that the modified assembly of the Nelson meets the structural limitations.

Regarding claim 12, a floating roof 2 (floating cover) to an upper segments of a tank (see column 1 lines 45-55), and conductor 5 having a low impedance and connected from the floating roof to an upper segment of a tank (see column 1 lines 60-68, column 2 lines 1-20), but fails to disclose means for taking slack out of a cable connected from a floating roof to an upper segment of a tank wall. Powell et al teach the use of a means reel 18 connected to a sidewall of tank (see fig 1, column 3 lines 54-60) in order to automatically spool up the dual grounding leads 19a and 19b (see column 3 lines 55-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Nelson with a means as taught by Powell Jr et al in order to automatically spool up the conductor 5 as the floating roof 2 rises and falls in the tank.

Regarding claim 13, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above, including the means of taking slack out further comprises a reel having a take up spool. It is noted that the modified assembly of the Nelson meets the structural limitations.

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Regarding claim 14, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above, including the take up spool further comprises a spring functioning to constantly pull up on the cable (see sketch A).

Regarding claim 15, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above. It is noted that the modified assembly of the Nelson meets the structural limitations.

Regarding claim 16-17, the modified assembly of the Nelson discloses all the features of the claimed invention as shown above. It is noted that the modified assembly of the Nelson meets the structural limitations. With respect to the reel has a base (see sketch B).

Contact information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (703) 308 -3748. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-305-3431. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Dhiru Patel
Patent Examiner
Group Art Unit 2831
November 14, 2003

Dhiru Patel
Primary Examiner
11/14/03.